

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Newport News Division**

UNITED STATES OF AMERICA

v.

Criminal No. 4:08cr16

DAVID ANTHONY RUNYON

**MEMORANDUM IN SUPPORT OF MOTION FOR CONTINUANCE
AND FOR HEARING TO SCHEDULE TRIAL**

Stephen A. Hudgins was recently appointed to represent David Anthony Runyon in place of Jon Babineau who had developed a conflict. The case was scheduled for trial on March 13, 2009, at the time of counsel's appointment. The Court rescheduled the trial of this matter for May 4, 2009.

This is a capital murder case in which the United States is seeking the death penalty. Stephen A. Hudgins met with co-counsel Lawrence H. Woodward, Jr., and was informed that there are 80 full binders of information which are necessary for counsel to review and master. Additionally, there are audio recordings, surveillance tapes, and other investigative materials for counsel to review.

Witnesses regarding mitigation are in West Virginia and it will be necessary to travel there to interview and prepare those witnesses for trial.

Counsel has a full schedule between now and May 4, 2009, and beyond which includes three jury trials, one of those being a seven-day mortgage fraud case scheduled in Judge Doumar's court to begin April 21, 2009. A copy of counsel's schedule through May 4, 2009, is attached hereto as Exhibit A. A copy of co-counsel Lawrence H. Woodward, Jr.'s schedule is attached hereto as Exhibit B.

Because of the seriousness of the case before the Court and the unusual quantity of discovery material in the case, counsel cannot be adequately prepared for trial on May 4, 2009. Counsel for David Anthony Runyon has consulted with counsel for co-defendant Draven and they agree that it would not be possible to try this case beginning May 4, 2009. All defense counsel join in the request that this matter be continued from the May 4, 2009, date and that a date be scheduled for a hearing when all parties can be present and a trial date established.

DAVID ANTHONY RUNYON

By: _____/s/
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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of February, 2009, I will electronically file the foregoing with the Clerk of Court using the CM/ECF

system, which will then send a notification of such filing (NEF) to the following:

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EXHIBIT A**Stephen A. Hudgins Schedule**

Feb 25	10:00	Federal Court Sentencing
	1:00	Newport News (NN) Circuit X 2
	3:00	Home Visit (HV) GAL
Feb 26	9:00	York County (YC) J&D
	9:30	YC J&D
	10:00	YC J&D X 2
	1:00	YC Circuit
	3:00	Norfolk Federal Conference
Feb 27	11:00	Norfolk Federal
March 2	10:00	NN Circuit Jury Trial
March 3	10:00	Settlement Conference Va. Beach
	1:00	NN J&D
	2:00	YC J&D
March 4	8:30	NN J&D
	9:00	Surry Circuit
	2:00	NN J&D
	4:30	HV GAL
March 5	10:00	NN Circuit
March 6	10:30	YC J&D
	12:00	NN Circuit
March 9	10:00	YC General District X2
	1:30	YC General District
	3:00	YC General District
	4:30	HV GAL
March 10	10:00	NN Circuit X2
	10:30	NN J&D
	2:00	NN J&D
March 11	9:00	YC General District X 3
	9:30	YC General District
	10:00	YC General District X2
	2:00	NN J&D
March 12	10:00	YC J&D
	10:30	YC J&D
	2:00	NN J&D
March 13	10:30	NN J&D
	11:00	NN J&D

March 16	8:30	NN Circuit
	9:00	NN Circuit
	10:00	NN Circuit
March 17	8:00	YC General District
	9:00	YC J&D
	9:30	YC General District
	10:00	YC General District
	2:00	YC General District
March 18	8:00	YC General District
	11:00	Virginia Beach Circuit
	11:30	Norfolk Federal
	2:00	YC General District
March 19	8:30	NN J&D X2
	11:30	YC J&D
	1:00	YC Circuit
March 23	10:00	NN Circuit Jury 2-3 day jury trial
March 24	9:00	Suffolk Circuit
	9:00	NN J&D
	9:30	NN Federal
	2:00	YC General District
March 25	8:00	YC General District X2
	10:00	YC General District
March 26	8:30	YC
	10:00	NN Circuit
	10:30	NN J&D
	2:00	James City County
March 31	10:00	YC 2 day jury
April 1	1:00	NN Circuit
April 2	10:00	NN J&D
	10:00	NN J&D
April 3	all day	Indigent Defense Seminar
April 6	10:00	YC General District X2
April 7	9:00	YC Circuit X2
	10:00	NN Circuit
April 8	all day	Criminal Law Seminar
April 9	11:00	NN Circuit
April 10		NN Circuit
April 13	10:00	NN Circuit
April 14	9:30	Hampton Circuit
April 15	9:00	YC General District

April 16	10:00	YC J&D
	10:30	NN J&D
April 17	11:00	Wmbg J&D
April 20	11:00	YC General District
April 21	10:00	Newport News Federal 7 day jury trial
April 22	2:30	YC General District
April 23	10:30	YC J&D X 4
April 24	10:00	NN Circuit
April 27	10:30	YC General District
	11:00	YC General District
	1:30	YC General District X2
	2:00	YC General District
April 28	8:30	NN J&D
May 4	11:00	Norfolk Federal
May 5	9:00	YC Circuit X2
	11:00	YC General District
	2:00	YC J&D GAL

EXHIBIT B

Lawrence H. Woodward, Jr. Schedule

April 20th: He has 2 Federal Court Sentencing Hearings (United States v. Vernon Shyvers and United States v. Otis Stitt)

April 27th through May 1st: a Medical Malpractice trial in VBCC

April 28th : He has 2 Appellate Briefs due (United States v. Mancor Barrington and United States v. Samuel Manning)

May 11th through 26th : He has a Federal Court trial that is scheduled for 2 weeks but could go as long as three weeks. (United States v. William Foreman)